

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PRACTICE BEFORE THE COMMISSION)	ADMINISTRATIVE ORDER
BY ATTORNEYS NON-LICENSED IN)	No. 249
THE COMMONWEALTH OF KENTUCKY)	

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In recent months the question has arisen as to the propriety of attorneys who are not licensed in the State of Kentucky to represent clients before the Public Service Commission. The purpose of this Order is to clarify the Commission's position on this matter.

The Supreme Court of Kentucky has defined the "practice of law" in Rule 3.020, which provides in relevant part, as follows:

The practice of law is any service rendered involving legal knowledge or legal advice, whether of representation, counsel or advocacy in or out of court, rendered in respect to the rights, duties, obligations, liabilities, or business relations of one requiring the services. (Emphasis supplied.)

The Kentucky Bar Association has specifically defined representation of a client or employer before a state administrative agency as the "practice of law." 1/ Supreme Court Rule 3.030(2) further

1/ KBA Opinion U-27, issued October, 1980.

states as follows:

A person licensed to practice in another state, but not in this state, shall be permitted to practice a case in this state only if he subjects himself to the jurisdiction and Rules of the Court governing professional conduct and engages a member of the Association as co-counsel, whose presence shall be necessary at all trials and at other times when required by the court. (Emphasis supplied.)

Based upon the above-referenced Rules of the Supreme Court and the Opinion of the Kentucky Bar Association, the Commission HEREBY ORDERS that any attorney who is not licensed to practice in the State of Kentucky and who seeks to represent a client or employer before this Commission, must engage a member of the Kentucky Bar Association as co-counsel. Said co-counsel must appear with the non-resident attorney in any proceeding before this Commission.

Done at Frankfort, Kentucky this 15th day of June, 1981.

PUBLIC SERVICE COMMISSION

Marlin M. Voh
CHAIRMAN

Katherine Randall
VICE CHAIRMAN

Jim Carrigan
COMMISSIONER

ATTEST:

SECRETARY